

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA
Plaintiff,

v.

CRIMINAL NO. 16-0793 (CCC)

ALEXIS RAGKOGIANNIS-PEGUERO
Defendant.

SENTENCING MEMORANDUM

Anyone who has struggled with poverty knows how extremely expensive it is to be poor.

- James Baldwin

Mr. Ragkogiannis has never celebrated his birthday. He will tell you so very matter-of-factly. Growing up in a small wooden shack along with his parents and four siblings in Haina, Dominican Republic meant that he lacked food many times, always wore hand-me-down clothing, and Christmas and birthdays were a luxury his family could not afford. When Mr. Ragkogiannis describes his childhood he lists conditions and obstacles that most of us would associate with poverty. He, however, does not call it “poverty,” and if asked directly he will say his childhood was good. He does not feel sorry for himself and is not one to make excuses; he knows that growing up with scarce resources does not excuse many of his actions. He understands that he made the decisions that lead him to this point. He accepts responsibility, asks for forgiveness, and respectfully requests this Court sentence him to time served.

Mr. Ragkogiannis has worked for as long as he can remember; it was not really a

choice. Still, he never missed school. It did not matter how tired he was; an education was his ticket to a better life. He graduated at eighteen and quickly began attending University. Still, the financial pressure to help his poverty-stricken family was too much and Mr. Ragkogiannis was forced to drop out and devote all of his time to work.

This pressure to provide is a common theme in his life. So much has always been expected of him. The second youngest of five children born to Georgina Peguero and Manuel Heredia, Mr. Ragkogiannis always bore the heaviest burden. Growing up he was the biggest and most physically gifted of all of his siblings and his family was betting, hoping, and praying that he would be good enough to play major league baseball; surely, that would be their ticket out of poverty.

It almost happened, too. At eighteen years old he was recruited by four major league baseball teams.¹ He was an outfielder and considered a top prospect. While training with the Atlanta Braves in Tampa, Florida however, all of those dreams came to an end. A routine throw to home plate tore ligaments in his shoulder and elbow and that was the end of his short lived baseball career.

The end of his baseball career did not mean the pressure to provide for his family was off. Quite the contrary, now more than ever, he felt he had to do everything he could to help them out of their dire conditions. And so began a series of events that lead to bad decisions, poor judgment, and the jail cell he has been living in since November 2016.

BRAVING THE MONA PASSAGE

Its waters are infested with sharks. It is the deepest hole in the Atlantic Ocean; an underwater gravesite for countless men, women, and children. Still, the stories of death and

¹ The Milwaukee Brewers, Cincinnati Reds, Colorado Rockies and Atlanta Braves.

terror that make it out of the Mona Passage do little to deter desperate Dominicans seeking a better life. What some consider a death trap, they consider a lifeline.

In November of 2016 Mr. Ragkogiannis made his third and final attempt at the American Dream. In the middle of the night he made his way to a desolate Dominican beach, boarded a “yola,” and watched it drift into the Mona Passage. For the next few days he would pray and think of the many obstacles life had thrown his way. He wanted to finish school, but he needed to help his family first. Desperate times call for desperate measures. He had heard the stories; he understood the risks. Hysteria is a real problem during these life risking voyages; men, women, and children routinely cry and panic. Being surrounded by water, with no land in sight, is a very overwhelming feeling. The sharks circling the “yola” do not help either. When you are focused on survival, there is little concern for international treaties and invisible borders. This was the most daring decision he ever made.

After a few days the “yola” made it to Puerto Rico. He was only here for a few weeks before he was arrested at the Luis Muñoz Marin International Airport in Carolina, Puerto Rico. His arrest marked the end of his four year rendezvous with perhaps the two most misunderstood and opposite features of the American experience: the American Dream and the American Criminal Justice system. The former is ever elusive and the latter is in need of repair and perhaps not the paragon of American excellence and democracy.

Although Mr. Ragkogiannis leaves our country after experiencing some of the more negative aspects of our fragile democracy, he insists that his time in the United States has shown him why America, and its people, are looked upon the world over as a model of fairness and justice. Every country has flaws, he told me, but it was only in the United States where he first experienced the stability of a law-abiding democracy, what success based on merit

feels like, and what it means to lay your hands on the most powerful monetary currency in the world; the U.S. dollar.

Mr. Ragkogiannis embraced the opportunities that came his way in the United States. He worked every single day he was here and sent as much money as possible to his parents and siblings in the Dominican Republic. Still, he recognizes his failures and the mistakes and missed opportunities that have tarnished his time here. So many people depended on him and although he was able to help them he has difficulty coping with the pain he has also caused them. Every arrest, every day he has spent in jail, has caused heartbreak to his ailing parents. He knows he has failed them and wants nothing more than an opportunity to right his wrongs.

MR. RAGKOGIANNIS HAS SUFFERED ENOUGH

Mr. Ragkogiannis has been incarcerated for four (4) months; the longest time he has ever spent behind bars. He has had ample time to think and replay the decisions that replaced his family with Federal inmates; his normal clothing with prison garb, and; his parent's home with cell doors and screaming guards. He understands that none of this was worth it. The last four years have been a whirlwind of ups and downs. He wants to finish his University studies, be with his family, and create a life of peace and happiness in his native Dominican Republic.

CONCLUSION

Mr. Ragkogiannis' life has been one of struggle, risk, and pain. He was not the first to risk his life hoping to achieve the American dream, and he likely will not be the last. This Court, however, can alleviate some of that pain by sending him home. Mr. Ragkogiannis, therefore, respectfully requests this Court sentence him to time served; enough time

considering what he has been through and the many more hardships that await him when he returns home.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the parties of record.

RESPECTFULLY SUBMITTED.

At San Juan, Puerto Rico, this 27th day of March, 2017.

**ERIC A. VOS, ESQ.
Federal Public Defender
District of Puerto Rico**

S/JUAN J. MICHELEN
Juan J. Michelen,
Assistant Federal Public Defender,
USDC-PR G02601
241 F.D. Roosevelt Avenue
San Juan, PR 00918-2305
Phone No. (787) 281-4922
Juan_Michelen@fd.org

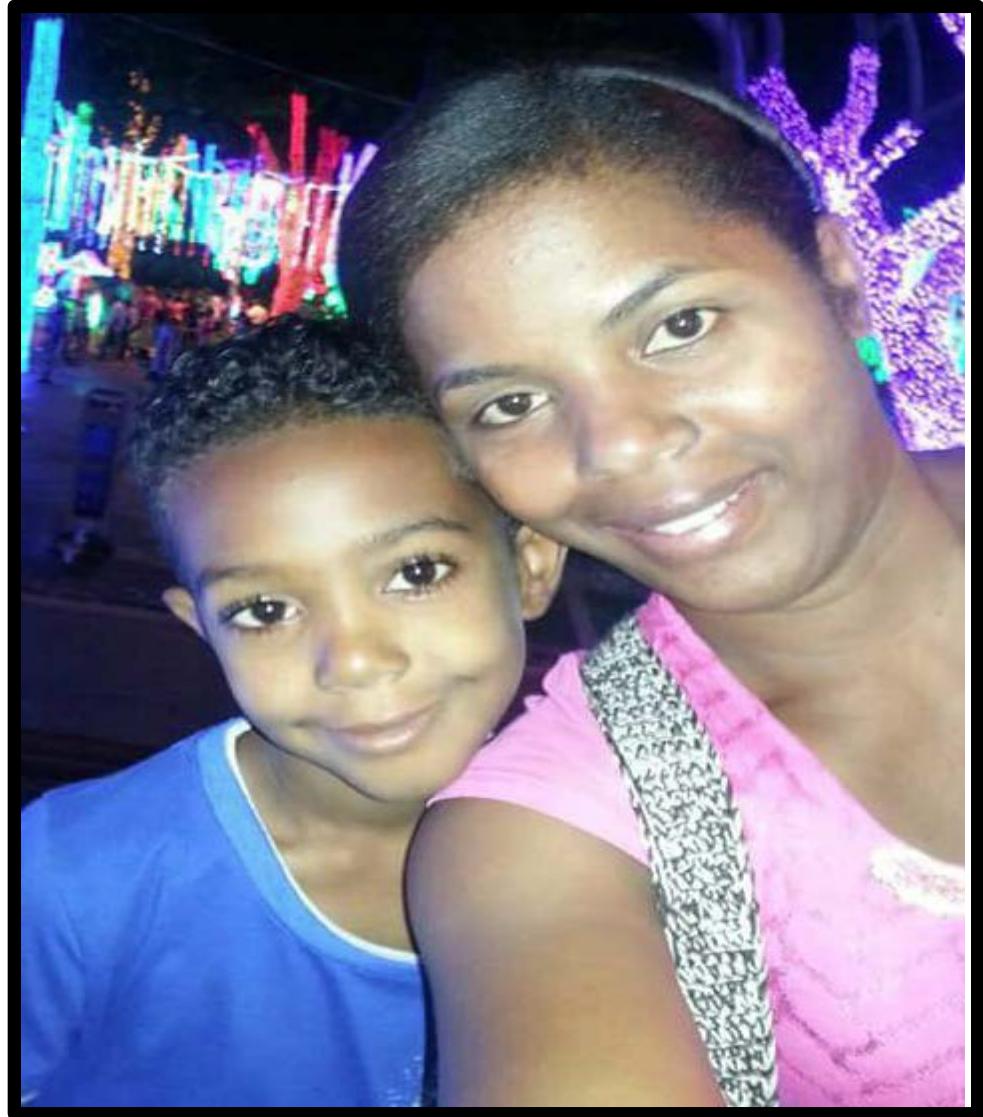
EXHIBITS

A-C



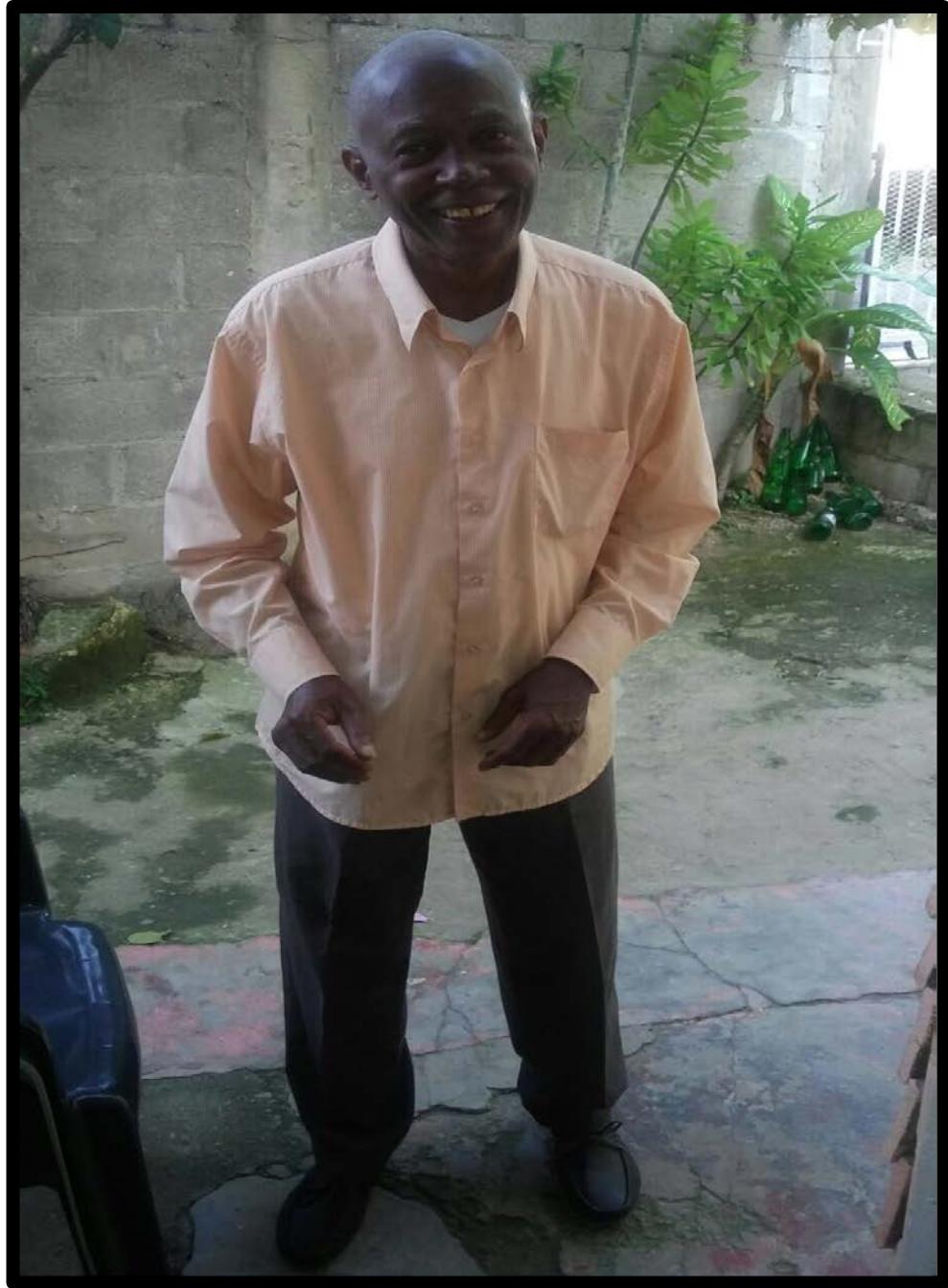
Mr. Ragkogiannis' parents, Manuel Heredia and Georgina Peguero, did the best they could to always provide for their children. This is them a few years ago with their granddaughter.

A



Mr. Ragkogiannis' sister, Melissa, is his best friend and most trusted confidant. Here she is with her son, and his nephew, Joanlis.

B



In just a few years Mr. Heredia has lost over 30 pounds. His battle with diabetes is not going well and Mr. Ragkogiannis has done everything he can to help pay for his dad's medications. His biggest concern now is seeing him before it's too late.

C